

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Veronica Cook-Euell

Application No.: 10/774,066

Art Unit: 3728

Filed: February 7, 2004

Examiner: Mohandes, JM

For: METHOD OR APPARATUS USED TO COMMUNICATE A MESSAGE TO BE WORN IN FOOTWEAR

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES OR IN A NAFTA OR WTO MEMBER COUNTRY TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)

1. This declaration is to establish completion of the invention in this application in the United States, at a date prior to December 12, 2004, the earliest priority date of U.S. Application No. 11/012,551 ("Hennessy"), of which was cited by the examiner.
2. Veronica Cook-Euell, the person making this declaration, is the inventor of the present invention.

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached documents and/or models are submitted as evidence:

EXHIBIT A is a copy of the United States Trademark Registration No. 3,003,284 for "IN-SOULS" registered to Veronica Cook-Euell. The trademark application was filed under 15 U.S.C. §1051(a) on October 15, 2003. Section 1051(a) requires an applicant to currently use the mark in commerce. See 37 C.F.R. §2.34(a)(1)(i). The mark "IN-SOULS" is registered in connection with insole shaped shoe inserts imprinted with Christian verses for meditation and prayer. The U.S. trademark registration proves that the invention disclosed in U.S. Patent Application No. 10/774,066 was already in commercial use as of October 15, 2003.

From these documents, it can be seen that the invention of this application was made at least by the date of October 15, 2003, which is a date earlier than the effective date of Hennessy.

REDUCTION TO PRACTICE IN U.S. OR NAFTA OR WTO MEMBER COUNTRY

4. The invention of this application was conceived of by Veronica Cook-Euell and actually reduced to practice in the United States of America at least by October 15, 2003.

TIME OF PRESENTATION OF THE DECLARATION

5. This declaration is submitted after a final rejection has been issued.

DECLARATION

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

Veronica Cook-Euell

Inventor's signature: Veronica Cook-Euell

Date: 11/15/06 Country of Citizenship: USA

Residence: